

Information Collection Request
for
Superfund De Minimis Settlement Reform Survey

OMB Control Number:

Part A

The United States Environmental Protection Agency

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Section 1: Identification of the Information Collection

a. Title of the Information Collection

ICR: Superfund De Minimis Settlement Reform Survey

OMB Control Number:

b. Short Characterization/Abstract

The Environmental Protection Agency (EPA) has administered three rounds of Superfund Reforms throughout the 1990s. EPA's Superfund Reforms impact nearly every aspect of the Superfund program, addressing the areas of enforcement, cleanup, risk assessment public involvement, environmental justice, economic redevelopment, innovative technology, and State and Tribal empowerment.

EPA's Office of Site Remediation Enforcement (OSRE) is interested in obtaining data to evaluate satisfaction with the Superfund De Minimis Settlement Reforms. The purpose of this evaluation is to measure the level of satisfaction that de minimis settlement reform participants have for the reforms (as represented by the de minimis settlement offer) and relate it to whether or not they settled. The proposed evaluation employs a descriptive research design that will yield information about participant satisfaction with the de minimis settlement reform; the relationship between certain policy parameters, e.g., size of the offer, and settlement outcomes; and, the relationship between certain policy parameters and satisfaction with the reforms. Data for the evaluation will be collected by reviewing existing written and electronic EPA files and surveying de minimis responsible parties to obtain primary data.

This information collection is for the survey of de minimis settlement reform participants who were offered a de minimis settlement. The survey will be administered to a non-random sample consisting of one-fifth (20 percent) of the settlors and one-fifth (20 percent) of the non-settlors for each offer extended by the Agency, subject to a minimum of three offerees in each category. The information will not be generalized to the population of offerees. The information collected from this survey will be used in a broader evaluation of the de minimis settlement reform's overall effectiveness.

The information collection will involve 347 respondents at \$32,743 dollars.

Section 2: Need and Use of the Collection

a. Need/Authority for the Collection

Effective as of September 11, 1993, Executive Order 12862 calls upon federal agencies to take the following actions:

- identify the customers who are, or should be, served by the agency;
- survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services;
- make information, services, and complaint systems easily accessible; and
- provide means to address customer complaints.

This information collection is consistent with the mandate of EO 12862, as it will collect information from recipients of an EPA settlement process and use that information to evaluate the process and formulate improvements that are consistent with the goals and objectives of the de minimis settlement reform.

In addition, a recent US Government Accounting Office (GAO) report (*Superfund: Extent to Which Most Reforms Have Improved the Program is Unknown*, May 2000, GAO/RCED-00-118) recommended that EPA address “ways in which the agency can cost effectively obtain additional data - for the reforms with the greatest potential for improving the program - that would help it better assess the reform results, including continuing to pursue authority from OMB to solicit input from private parties and other key stakeholders on the success of the reforms...” We believe that this information collection addresses GAO’s recommendation with respect to the de minimis settlement reform.

In June 1993, EPA announced the first round of Administrative Reforms to the Superfund program. Initiative 2 was the de minimis initiative announced under this reform. The goal of Initiative 2 was “to encourage more, early, and expedited settlements and to reduce the transaction costs of all parties.” To accomplish this goal, the Agency developed three guidance documents. *Streamlined Approach for Settlements with De Minimis Waste Contributors under CERCLA Section 122(g)(a)(A)*, July 30, 1993 was developed to simplify eligibility requirements and streamline the settlement process. *Guidance on CERCLA Settlements with De Micromis Waste Contributors*, July 30, 1993 was developed to promote aggressive movement to settle with de micromis parties subject to contribution action. *Communication Strategy for Settlements with Small Volume Waste Contributors*, September 30, 1993 established a communications strategy to help small volume waste contributors understand the de minimis and de micromis settlement process.

Another de minimis initiative was announced during the second round of Administrative Reforms which began in February 1995. This reform, “Expedited Settlements”, recognized that “early settlements reduce transaction costs for all parties.” The agency issued a policy statement and a guidance document designed to expedite de minimis settlements. *Policy Toward Owners of Property*

Containing Contaminated Aquifers was released on May 24, 1995, and *Standardizing the De Minimis Premium* was released on July 7, 1995.

The Agency also developed a policy regarding both de minimis and non-de minimis parties with limited ability to pay their fair share of response costs. This is set forth in a fact sheet *Overview of Ability-to-Pay Guidance and Models, May 1995* and in a guidance document *General Policy on Superfund Ability to Pay Determinations, September 30, 1997*.

b. Practical Utility/Users of the Data

OSRE is conducting an evaluation of the de minimis settlement reforms that include, among other data collection methods, a survey of de minimis settlement reform participants. The information collected in this survey effort will be used by OSRE personnel for program evaluation and customer satisfaction purposes to identify potential de minimis settlement reform improvements.

While the information collected will not be used for regulatory development, OSRE will use the information to consider revisions to Agency policies and to evaluate the need to develop further guidance to improve Superfund program implementation.

Section 3: Nonduplication, Consultations, and Other Collection Criteria

a. Nonduplication

All of the information requested from respondents under this ICR is not available from other sources. We are requesting directly from respondents their impressions of how the de minimis settlement reform affected their decision to settle with the Agency.

b. Public Notice Required Prior to ICR Submission to OMB

OSRE submitted the text of the *Federal Register* Notice concerning its submission of this Information Collection Request to OMB on [month, date, year]. See Appendix A for the full text of this *Federal Register* Notice.

c. Consultations

This information request was completed in consultation with the following EPA representatives:

Gary Worthman	Team Leader/Attorney Advisor, OSRE (202) 564-4296
Helen Keplinger	Attorney Advisor, OSRE

(301) 229-5526

Stephanie Vetter

Program Analyst, OSRE
(202) 564-5152

Bruce Pumphrey

Team Leader, Program Evaluation Team
Program Evaluation and Coordination Branch
OSRE
(202) 564-6076

OSRE personnel also consulted the Bureau of Labor Statistics web site for information on hourly wage rates for respondent types (see <http://stats.bls.gov>).

d. Effects of Less Frequent Collection

This is a one-time collection of information.

e. General Guidelines

This one-time voluntary collection conforms to OMB's guidelines on information collection. Under no circumstances will respondents be required to take any of the following actions:

- Report information to the Agency more often than quarterly;
- Prepare a written response to a collection of information in fewer than 30 days after receipt of a request;
- Retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- Participate in a statistical survey that is not designed to produce data that can be generalized to the universe of the study;
- Utilize a statistical data classification that has not been reviewed and approved by OMB;
- Receive a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which, unnecessarily impedes sharing of data with other agencies for compatible confidential use; or,
- Submit proprietary, trade secret, or other confidential information unless the Agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

f. Confidentiality

No confidential information is being collected under this ICR.

g. Sensitive Questions

No information on private matters is being collected under this ICR.

Section 4: The Respondents and the Information Requested

a. Respondents/SIC Codes

This voluntary information collection is a non-random survey effort targeted at persons who received de minimis settlement offers. The survey is likely to capture a variety of industry types and SIC codes. The exact composition of the sample will be dependent on the geographic location of the sites where offers were made, the nature of site activities, and the types of entities that elect to participate in the survey effort. Superfund is a liability-based response program rather than a regulatory program. As such, there are no data reporting requirements that participants must meet and no central inventory of participant characteristics is maintained. Consequently, the Agency is unable to provide a detailed breakdown of SIC codes for potential respondents. The vast majority of respondents are expected to be for-profit businesses. The balance of the respondents are expected to be individuals.

b. Information Requested

i. Data Items, Including Recordkeeping Requirements

The following types of information will be collected during the survey:

- Satisfaction with the settlement offer under the reform
- How the offer affected settlement deliberations
- What effect, if any, the settlement offer had on transaction costs and the pace of settlement discussions
- Whether EPA is consistently providing de minimis settlement offerees with the information and attention they need, regardless of whether they settle

All items are reporting items; no record keeping items are associated with this survey. There are two related survey instruments; one is for those parties who settled with the agency in a de minimis settlement and the other survey is for those parties who did not settle. Respondents will receive only one of the surveys. Copies of the surveys appear as Appendix B to this statement.

ii. Respondent Activities

Survey respondents will perform four activities:

- Review notification letter and survey questions;
- Search records for information about the de minimis settlement offer;

- Review the information that has been collected; and,
- Fill-out and return the survey or participate in the telephone survey

These activities represent a one-time voluntary information collection, and are not customary business practices of the respondents.

Section 5: The Information Collected – Agency Activities, Collection Methodology, and Information Management

a. Agency Activities

Agency activities associated with the De Minimis Settlement Reform Survey consist of the following:

- Develop a research methodology and draft the survey instrument;
- Compile De Minimis Settlement Reform data and draw the survey sample;
- Develop script for computer-assisted telephone interviewing (CATI) technology and project database;
- Distribute survey notification letter to potential respondents;
- Enter written survey submissions into project database;
- QA/QC data entry from written survey submissions;
- Administer telephone surveys using CATI technology;
- Analyze evaluation data;
- Prepare evaluation report; and,
- Store evaluation data/retain survey records/data pursuant to EPA records retention schedules.

b. Collection Methodology and Management

The method for collecting information will be a telephone survey administered to a non-random sample of de minimis settlement offerees. Approximately 10 days before interviews are scheduled to begin, potential respondents will receive a letter from the Director, Office of Site Remediation Enforcement that explains the purpose of the survey and provides them with a copy of the survey questions for their reference. While the Agency intends to use a computer-assisted telephone interviewing technology to administer the survey (see below), it recognizes that some respondents may prefer to fill-out the enclosed paper survey and return it to the Agency rather than participate in a telephone interview. The Agency will accept written surveys, which will be entered directly into the project database and then QA/QCed for accuracy.

Computer-assisted telephone interviewing technology will be used to conduct the De Minimis Settlement Reform Survey. This software technology will allow the Agency to develop an electronic

version of the survey on a computer and link it to a project database. The software can be programmed so that survey administration, QA/QC, and data entry are combined into a single operation. Consequently, upon completion of the survey, accurate data will be immediately available for analysis.

c. Small Entity Flexibility

Not applicable.

d. Collection Schedule

The Agency intends to begin distributing survey notification letters to potential survey respondents within 15 business days of ICR approval, and survey administration will begin approximately 25 days after ICR approval. Letters will be sent in groups of 100 every two weeks and interviews will be conducted until both survey categories (settlor and non-settlor) have been filled. We anticipate that it will take up to nine weeks to complete the surveys.

Section 6: Estimating the Burden and Cost of the Collection

a. Estimating Respondent Burden

Burden hour estimates are based on experience with similar surveys administered to a comparable group of survey respondents. The Agency has made an upper-bound assumption in developing the respondent burden estimate. After receiving the survey notification letter from the Agency, the manager for the organization would review the letter and survey questions with counsel to determine whether or not to participate in the survey. A technical professional and clerical staff person would review files to collect information about the de minimis settlement offer and records such as invoices about the cost of negotiations. This information would be reviewed and analyzed by the technical professional and the results would be provided to the manager. The manager would either fill-out the written survey and send it back to the Agency or participate in the telephone survey. Both are assumed to require the same amount of time. Exhibit 6-1 provides information on respondent burden by information collection activity and labor category.

Exhibit 6-1
Hours Per Respondent by Collection Activity and Labor Category
Superfund De Minimis Settlement Reform Survey

Information Collection Activity	Hours per Labor Category				Labor Hours
	Legal	Manager	Technical	Clerical	
Review Instructions	0.50	0.50			1.00
Research Information Sources			0.50	0.50	1.00
Complete Review/Research			0.50		0.50
Transmit/Disclose Information		0.50			0.50
TOTAL					3.00

b. Estimating Respondent Costs

i. Labor Costs

This is a non-rule-related ICR. Accordingly, hourly labor rate estimates are based on the Bureau of Labor Statistics's "Employer Costs for Employee Compensation" website. The March 2000 version of the report was used, and labor rates were increased by a factor derived from the Bureau of Labor Statistic's "Employment Cost Index" to reflect labor costs during the first quarter of 2001. The following labor rates were used for this ICR: Legal and Manager labor at \$38.71 per hour; Technical labor at \$27.30 per hour; and, Clerical labor at \$17.99 per hour. These labor rates were multiplied by the burden hours that appear in Exhibit 6-1 to determine labor costs per respondent. Exhibit 6-2 provides labor costs per respondent by information collection activity and labor category.

Exhibit 6-2
Labor Costs Per Respondent by Collection Activity and Labor Category
Superfund De Minimis Settlement Reform Survey

Information Collection Activity	Dollars Per Labor Category				Labor Costs
	Legal	Manager	Technical	Clerical	
Review Instructions	\$19.36	\$19.36	\$0.00	\$0.00	\$38.71
Research Information Sources	\$0.00	\$0.00	\$13.65	\$9.00	\$22.65
Complete Review/Research	\$0.00	\$0.00	\$13.65	\$0.00	\$13.65
Transmit/Disclose Information	\$0.00	\$19.36	\$0.00	\$0.00	\$19.36
TOTAL					\$94.36

ii. Capital and Operation and Maintenance Costs

Activities supported by this ICR do not involve the purchase of monitoring or reporting equipment.

iii. Capital/Start-up vs. Operating and Maintenance (O&M) Costs

Activities supported by this ICR do not involve the purchase of monitoring or reporting equipment.

iv. Annualizing Capital Costs

Not applicable.

c. Estimating Agency Burden and Cost

The Agency developed separate burden and cost estimates for Agency personnel and government contractors to reflect the fact that the government information collection and analysis activities described by this ICR will be implemented by a government contractor under the Agency's supervision. Accordingly, both labor hours and labor costs are broken-out into an Agency category and a Contractor category.

Hourly labor rate estimates for government employees were developed from the Office of Personnel Management's 2001 General Schedule for the Locality Area of Washington-Baltimore. Hourly wage rates were taken from this schedule and multiplied by a factor of 1.6 to reflect non-wage benefits provided to government employees and the true cost of government labor. The following labor rates were used for this ICR: GS-15/01 Attorney/Advisor at \$67.36 per hour; GS-14/01 Manager at \$57.26 per hour; GS-13/01 Technical Staff at \$48.46 per hour; and, GS-05/01 Clerical Staff at \$18.54 per hour.

Hourly labor rate estimates for contractor employees are based on the Bureau of Labor Statistics's "Employer Costs for Employee Compensation" website. The March 2000 version of the report was used, and labor rates were increased by a factor derived from the Bureau of Labor Statistics's "Employment Cost Index" to reflect labor costs during the first quarter of 2001. The following labor rates were used for this ICR: Manager labor at \$38.71 per hour; Analyst at \$27.30 per hour; and, Research Assistant at \$17.99 per hour.

Exhibit 6-3 provides information on government burden by information collection activity and labor category. This information is divided into separate Agency and Contractor sections. It should be noted that the estimate is for the entire De Minimis Settlement Reform Evaluation, not just the survey. Exhibit 6-4 provides labor costs by information collection activity and labor category. This information is also divided into separate Agency and Contractor sections. The labor cost estimates were developed by multiplying the hourly labor rates described above by the government burden information in Exhibit 6-3. The labor cost estimate is for the entire evaluation, not just the survey.

Exhibit 6-3
Government Burden by Collection Activity and Labor Category
Superfund De Minimis Settlement Reform Evaluation

Information Collection Activity	Agency				Total Agency Hours	Contractor			Total Contractor Hours
	Hours Per Activity					Hours Per Activity			
	Legal	Manager	Technical	Clerical		Manager	Analyst	RA	
Develop Methodology/Surveys		40	40		80	135	140		275
Compile Data and Draw Sample		5	25		30	25	65	60	150
Develop Script and Project Database		5	25		30	35	80	75	190
Distribute Survey Notification		5	5		10	5	11	40	56
Enter Written Submissions					0	1	2	10	13
QA/QC Written Submission Data					0	1		5	6
Administer Telephone Surveys		5	20		25	45	45	450	540
Analyze Evaluation Data		10	20		30	35	80	80	195
Prepare Evaluation Report		25	25		50	110	120	45	275
Store Evaluation Data					0		5	5	10
TOTAL					255				1710

Exhibit 6-4
Government Labor Costs by Collection Activity and Labor Category
Superfund De Minimis Settlement Reform Survey

Information Collection Activity	Agency				Total Agency Costs	Contractor			Total Contractor Costs
	Costs Per Activity					Costs Per Activity			
	Legal	Manager	Technical	Clerical		Manager	Analyst	RA	
Develop Methodology/Surveys	\$0	\$2,290	\$1,938	\$0	\$4,228	\$5,226	\$3,822	\$0	\$9,048
Compile Data and Draw Sample	\$0	\$286	\$1,212	\$0	\$1,498	\$968	\$1,775	\$1,079	\$3,822
Develop Script and Project Database	\$0	\$286	\$1212	\$0	\$1,498	\$1,355	\$2,184	\$1,349	\$4,888
Distribute Survey Notification	\$0	\$286	\$242	\$0	\$528	\$194	\$300	\$720	\$1,214
Enter Written Submissions	\$0	\$0	\$0	\$0	\$0	\$39	\$55	\$180	\$273
QA/QC Written Submission Data	\$0	\$0	\$0	\$0	\$0	\$39	\$0	\$90	\$129
Administer Telephone Surveys	\$0	\$286	\$969	\$0	\$1,255	\$1,742	\$1,229	\$8,096	\$11,067
Analyze Evaluation Data	\$0	\$573	\$969	\$0	\$1,542	\$1,355	\$2,184	\$1,439	\$4,978
Prepare Evaluation Report	\$0	\$1,432	\$1,212	\$0	\$2,644	\$4,258	\$3,276	\$810	\$8,344
Store Evaluation Data	\$0	\$0	\$0	\$0	\$0	\$0	\$137	\$90	\$227
TOTAL					\$13,193				\$43,990

d. Estimating the Respondent Universe and Total Burden and Cost

The estimated size of the respondent universe is 1734 parties. The goal is to survey one-fifth (20 percent) of the settlers and one-fifth (20 percent) of the non-settlers at each site. We anticipate administering 347 surveys.

Based on information provided in Exhibit 6-1, total respondent burden for the survey is estimated as follows:

$$3.00 \text{ hours/survey} \times 347 \text{ surveys} = \underline{1041 \text{ hours}}$$

Based on information provided in Exhibit 6-2, total respondent costs for the survey are estimated as follows:

$$\$94.36 \text{ /survey} \times 347 \text{ surveys} = \underline{\$32,743}$$

e. Bottom Line Burden Hours and Cost Tables

i. Respondent Tally

Exhibit 6-5 provides bottom-line burden hours and costs for the respondents.

Exhibit 6-5
Bottom-Line Estimate: Respondents

Category	Respondents	Per Respondent	Unit	Total
Hours	347	3.00	Hours	1041
Costs	347	\$94.36	Dollars	\$32,743

ii. Agency Tally

Exhibit 6-6 provides bottom-line burden hours and costs for the Agency. Note that Agency burden and hours and Contractor burden and hours from Exhibits 6-3 and 6-4 have been summed together to arrive at combined estimates for Agency burden and costs.

Exhibit 6-6
Bottom-Line Estimate: Agency

Category	Hours	Costs
Agency	255	\$13,193
Contractor	1710	\$43,990
TOTAL	1965	\$57,183

f. Burden Statement

The public reporting burden for this collection of information is estimated to be 3 hours per response, including the time to review instructions, research information sources, review and analyze records, and transmit or disclose information to the Agency.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, US Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW, Washington, DC 20450; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Include the EPA ICR number and OMB control number in any correspondence.